

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Respondent,

No. CR S-89-0062 WBS GGH P

vs.

MICHAEL L. MONTALVO,

Movant.

ORDER

Movant, a federal prisoner proceeding pro se, on April 27, 2006, filed a motion entitled "motion for relief from judgment that is void for lack of subject matter jurisdiction...."

Counsel for movant has filed a notice of general appearance on behalf of movant and a hearing is set for January 18, 2007, before the undersigned. Despite counsel's notice, movant asks the court to order his own appearance at the hearing as though he were proceeding pro se; movant also continues to file motions and letters on his own behalf. It is inappropriate for movant to communicate with the court except through his counsel, once he has either been appointed or, as in this case, has retained counsel.

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Accordingly, IT IS ORDERED that movant's January 8, 2007, "motion" to be present in court at time of the January 18, 2007, hearing is denied.

DATED: 1/11/07

/s/ Gregory G. Hollows

GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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